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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2005-1275

CALVIN HUGH SHARPE
4139 Hillcrest Drive, Apt. D
Los Angeles, CA 90008

A C C U S A T I O N

Vocational Nurse License No. VN 196217

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about August 13, 2001, the Board issued Vocational Nurse License
No. VN 196217 to Calvin Hugh Sharpe (Respondent). The Vocational Nurse License was in full
force and effect at all times relevant to the charges brought herein and will expire on
February 28, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All Section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

5. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

6. Section 2878 states:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual nursing functions.

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

7. California Code of Regulations, title 16, section 2519 states:

"As set forth in Section 2878 of the Code, gross negligence is deemed unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 'gross negligence' means a substantial departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent licensed vocational nurse, and which has or could have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify the belief that there was a conscious disregard or indifference for the health, safety, or welfare of the consumer shall be considered a substantial departure from the above standard of care."

8. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

INFANT C.T.

9. On or about December 27, 2005, Respondent was employed by Genus Home Care, a nursing registry. He was assigned to work the 2300 hour to 0700 hour shift to provide in-home care for C.T., a nine-month old pre-mature infant. Infant C.T. was on a ventilator and a tracheotomy. At approximately 0633 hours, Respondent discovered Infant C.T. to be unresponsive with a dislodged tracheotomy. Respondent administered CPR and alerted the family to call 911. The Pomona Police Department responded and transported Infant C.T. to the Pomona Valley Medical Center. Infant C.T. was pronounced dead at 0706 hours. The coroner reported that: "The cause of death is pneumonia due to cerebellar/pons/medullary atrophy due to perinatal ischemia associated with severe prematurity. Other conditions include chronic subdural neomembrane, as well as being status-post tracheostomy tube dislodgement (by history); the dislodgement of the tube occurred under unknown circumstances; caretaker inattention is suspected..."

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

10. Respondent is subject to disciplinary action under Code section 2878, subdivision (a)(1) in conjunction with California Code of Regulations, title 16, section 2519 for unprofessional conduct, in that he was grossly negligent in his care of Infant C.T. The circumstances are as follows:

11. On or about December 27, 2005, while caring for Infant C.T., Respondent appeared to have fallen asleep and did not notice the dislodgement of the tracheostomy tube until 0633 hours, when Infant C.T. was already “ice cold” to touch, and had a temperature of 86 degrees upon arrival at the hospital at 0656 hours. Respondent denied he had been sleeping but later admitted he “might have dozed off.”

1 12. On or about December 27, 2005, Respondent failed to check and/or did
2 not detail the routine for checking the equipment for proper functioning.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 13. Respondent is subject to disciplinary action under Code section 2878,
6 subdivision (a) for unprofessional conduct in his care of Infant C.T. The circumstances are as
7 follows:

8 14. On several occasions between about April 2005 to about December 2005,
9 Respondent was found sleeping on the job while caring for Infant C.T.

10 15. On or about December 27, 2005, when the police officers arrived at the
11 scene at about 0645 hours following the 911 call, Respondent was observed to have his shoes
12 removed and appeared to have been sleeping. The last entry on the nurse's notes at that time was
13 at 2450 hours when Infant C.T. was awake, suctioned and lavaged. Respondent denied he had
14 been sleeping but admitted he "might have dozed off."

15 16. From about April 2005 to December 2005, while assigned to care for
16 Infant C.T., Respondent allowed the patient's mother to call him on his personal cell phone on
17 his off days to negotiate additional work time.

18 17. From about April 2005 to November 2005, Respondent did not
19 immediately report the unhealthy conditions of Infant's home to the authorities.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Dishonest Acts)**

22 18. Respondent is subject to disciplinary action under Code section 2878,
23 subdivision (j) for unprofessional conduct in that he was dishonest about his care for Infant C.T.
24 The circumstances are as follows:

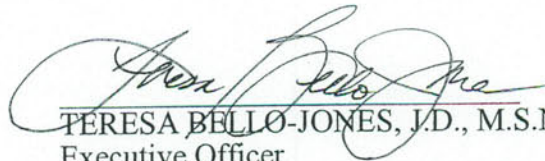
25 19. On or about December 27, 2005, upon questioning by the police officers,
26 Respondent repeatedly denied he ever slept on the job. He claimed in his nurses' notes that he
27 checked Infant C.T. at 2454, 0136, 0300 and 0533 hours, and did not discover any signs of
28 respiratory distress.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
4 Technicians issue a decision:

- 5 1. Revoking or suspending Vocational Nurse License No. VN 196217, issued
6 to Calvin Hugh Sharpe.
- 7 2. Ordering Calvin Hugh Sharpe to pay the Board of Vocational Nursing and
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3;
- 10 3. Taking such other and further action as deemed necessary and proper.
- 11

12 DATED: April 2, 2008

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15 TERESA BELLO-JONES, J.D., M.S.N., R.N.
16 Executive Officer
17 Board of Vocational Nursing and Psychiatric Technicians
18 Department of Consumer Affairs
19 State of California
20 Complainant

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